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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,615	06/27/2001	Ian Duncan Rubin	013306-5003	8850

9629 7590 05/05/2003

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER
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FLOOD, MICHELE C

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/891,615	June 27, 2001	Rubin et al.	

EXAMINER	
Michele C. Flood	
ART UNIT	PAPER NUMBER
1654	

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

The response filed March 28, 2003 with regard to the election/restriction requirement is deemed non-responsive because Applicant has elected the compound of formula (1). The election/restriction requirement set forth in Paper No. 9 (dated November 29, 2002) clearly sets forth:

“This application contains claims directed to the following patentably distinct species of the claimed invention: the distinct ingredients of Claim 1, **namely an extract of the genus *Trichocaulon* or the genus *Hoodia*.**

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claims 3-12 and 14 are generic.”

Since the above-mentioned election appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is (703) 308-9432. The examiner can normally be reached on Monday through Friday from 7:15 am to 3:45 pm. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196 or the Supervisory Patent Examiner, Brenda Brumback whose telephone number is (703) 306-3220.

MCF  
May 2, 2003

*Michele C. Flood*  
**MICHELE FLOOD**  
**PATENT EXAMINER**